

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 08-13162

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 26, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 06-00362-CV-4-RH-WCS

SUZANNE HARRELL,

Plaintiff-Appellant,

versus

LARRY CAMPBELL,
JAMES GOODMAN,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Florida

(January 26, 2009)

Before HULL, WILSON and HILL, Circuit Judges.

PER CURIAM:

After a three-day jury trial in this 42 U.S.C. § 1983 action, the jury found for

the Defendant-Appellee James Goodman as to Plaintiff-Appellant Suzanne Harrell's excessive force claim. On appeal, Harrell claims the district court erred in denying her post-verdict motions for judgment as a matter of law and a new trial. Harrell argues that she was entitled to a partial judgment as a matter of law on the ground that there was per se excessive force if one of the shots Goodman fired through the rear windshield of Harrell's car was the one that hit her. She also argues that she was entitled to a new trial on the grounds that: (1) the verdict was against the great weight of the evidence; (2) the jury instructions did not state that the danger posed to Goodman by Harrell had to be immediate and imminent in order for him to use deadly force; (3) the verdict form did not allow the jury to find that some of the shots Goodman fired were excessive force; (4) the admission of Harrell's prior convictions improperly suggested that Goodman's use of force was justified because Harrell pled guilty to state charges arising out of this incident; and (5) several of Goodman's counsel's statements at trial were improper and inflammatory. After review and oral argument, we conclude that all of Harrell's claims lack merit and thus affirm the district court's judgment.

AFFIRMED.